IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2068 of 2005

Between:

1 Dr. Md. Khallelulah, S/o. Late M. Sibgatullah, Professor,
JNTU -SCDE, R/o. King Koti, Hyderabad.
2 K. Gopinath, S/o. K. Unni Krishnan, Assst. Professor,
R/o. H.No. 21-106, Uttam Nagar, Malkajgiri, Hyderabad - 47.
3 S.A. Quadri, S/o. S.W. Quadri, Systems Programmer,
SCDE, JNTU, R/o. Mehdipatnam, Hyderabad.
4 Smt. Jaishree, W/o. S.R. Girish, Computer Operator,
SCDE, JNTU, R/o. HMT Colony, UdayaBhanu Apartments, Nacharam, Hyderabad.

..... PETITIONERS

AND

1 JNTU, Rep. by its Registrar, JNT University, Kukatpally,
Hyderabad - 500 072.
2 The Registrar, JNTU, Kukatpally,
Hyderabad - 500 072.
3 JNTU -SCDE Rep. by its Director, JNTU, Mahaveer Marg, Hyderabad - 28.
4 Chairman Executive Council, JNTU Rep. by Vice Chancellor, JNTU, Kukatpally, Hyderabad -72.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order, direction more particularly one in the nature of Writ of Certiorari calling for the records of the impugned proceedings No.C6/6708/85-2005 dt. 27-1-2005 & C6/7054/95-05 issued to the petitioners herein by the 2nd and 3rd respondents herein and a report from the 4th respondent for the action initiated/taken upon the representations of the petitioners herein, and quash the impugned proceedings issued by the 2nd and 3rd respondents herein as illegal and void ab-initio, arbitrary and non-est contrary to the law and also being contrary tot he provisions of the JNTU Act, 1972 governing the respondent JNT University.

Counsel for the Petitioner: MR.RAMA KRISHNA ANNAVAJJULA
Counsel for the Respondents: MR.K.RATHANGA PANI REDDY

The Court, at the admission stage, made the following :

ORAL ORDER:

This writ petition is filed challenging the Proceedings No.C6/660/85-2005, dated 27.1.2005 issued by the 2nd respondent-Registrar transferring the petitioners from SCDE, JNTU, Hyderabad to J.N.T.U. College of Engineering, Hyderabad in the same capacity.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents and perused the material on record.

The learned counsel for the petitioners has vehemently contended that the Registrar who issued the impugned proceedings is not the competent authority to issue transfer orders and that the subsequent proceedings, dated 29.1.2005 is only a ratifying order. Hence, the transfer orders suffer from legal infirmities.

On the other hand, the learned standing counsel for the respondents has contended that only on the directions of the Vice Chancellor, the transfer of the petitioners have been effected and he has further contended that when the Registrar has issued a transfer order, it is deemed that it has been issued after obtaining approval from the Vice Chancellor of the University and there cannot be any dispute that on behalf of the Vice Chancellor, the 2nd respondent-Registrar has issued the proceedings.

As the petitioners gave a representation, the letter of clarification, dated 29.1.2005 was issued clarifying that the transfer orders dated 27.1.2005 were issued as per the directions of the Vice Chancellor vide note orders passed in the respective personal files

on 25.1.2005. Therefore, it cannot be said that after the Registrar issued the transfer orders the Vice Chancellor ratified the same. There is no averment in the affidavit that after the Registrar effected the transfer of the petitioners, the Vice Chancellor ratified the same. The Vice Chancellor is the competent authority to effect the transfers and his instructions have to be carried out through the Registrar only. Transfer is not only an incident of service but also one of the service conditions. Unless the transfer is made contrary to the Rules or by way of punishment or is vitiated by *mala fides*, this Court will not interfere with the transfer order. No such allegations are leveled against the Vice Chancellor or the Registrar in the affidavit. Therefore, the writ petition is devoid of merit.

The writ petition is accordingly dismissed. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

11th February, 2005.

bcj

To

1 The Registrar - JNTU, JNT University, Kukatpally, Hyderabad - 500 072.
2 The Director, JNTU, JNTU -SCDE Mahaveer Marg, Hyderabad - 28.
3 The Vice Chancellor J.N.T.U, Chairman Executive Council, JNTU, Kukatpally, Hyderabad -72.

4. Two C.D. copies.